

STATE OF THE DIRECTOR OF STATE COURT'S OFFICE ADDRESS 2003



A. John Voelker
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701
(608) 266-6828

Annual meeting of the Wisconsin Judicial Conference

October 15, 2003
Wisconsin Dells, Wisconsin

STATE OF THE DIRECTOR OF STATE COURTS OFFICE

A. John Voelker

October 15, 2003

Wisconsin Dells

Before I get started, I want to thank all of you who sent e-mails and notes of congratulations. I appreciate your thoughts and support. In addition, I want to recognize my management team- Jean Bousquet, Pam Radloff and Sheryl Gervasi. I couldn't ask for more dedicated or talented individuals.

I would like to take my allotted fifteen minutes to provide some insight into two questions: 1) who am I? and 2) what are my expectations for the coming year?

Who am I?

For those who don't know me, I grew up in Menasha, am a graduate of UW-Oshkosh, and have been with the Wisconsin court system since 1992, most recently as Executive Assistant to Chief Justice Abrahamson. Prior to coming to the courts I worked for the Wisconsin Legislative Audit Bureau and have served on my local village board. I am home grown and believe my experience serves me well in my new capacity.

Throughout my professional career my focus has been on public administration, but my respect for the law and our justice system dates back to my early childhood. (No, I wasn't a participant in the system so don't bother checking the records in Winnebago County)

When I was about 5 years old, my dad became a whistleblower. He believed that the former mayor of Menasha and others were involved in a kickback scheme, and he brought his concerns to the new mayor. In his position with the public works department my dad witnessed unnecessary purchasing and believed that local officials were getting "rewarded" for their orders.

The Attorney General's office became involved and during the course of the investigation my dad wore a wire to help with the collection of evidence. As it turns, out the company in question was a national firm with possible links to organized crime. The good news for me is that I had an escort to school for a while. The bad news is that our phone number was changed so many times that I was failing one of few expectations of kindergarten – memorize your phone number.

After a period of investigation my dad became a critical witness in a John Doe probe under the supervision of Judge Crane. I was only a young kid, but I remember the tension leading up to a court date, I remember the pictures of my dad in the newspaper, I remember the respect my dad had for the justice system. In the end, a number of people were convicted, both locally and in other states.

We know kids learn by the example set by their parents. I was fortunate in my formative years to experience the critical role of the justice system. As a result, I am excited about the responsibility I have to lead this organization.

In the broader sense, through his actions my dad also taught me to choose right over wrong, ethics over convenience, and truth over popularity. I still believe that those are the right choices. Those are the values you can expect from me as we work together.

What are my expectations?

Speaking of expectations let me share with you some of my mine for the coming year.

I expect we will be assertive in communicating with the legislative and executive branches of government. There is no doubt that working conditions and judicial morale are suffering in this dire fiscal environment. The court system has endured multiple cuts at both the state and local levels. In addition, judicial compensation is essentially frozen. While I believe the state may have cried wolf in the past concerning budget problems, this isn't one of those times. The state is genuinely faced with a fiscal crisis. It is ugly.

As my first step in strengthening the court system's communication process with the other branches of government I have started to make my way through the Capitol, meeting with individual legislators. I have met with leadership and members of key committees. Our discussions have ranged from the broad topics of funding to specific items such as the way juries are selected. I shall continue this effort because I believe that establishing effective working relationships requires face-to-face communication.

During the most recent budget negotiations I called upon a number of judges who have good personal relationships with Joint Finance members. Within the two days leading up to committee action, each member of the Joint Finance Committee received a visit from someone in the director's office, plus a phone call from a judge in their district with a consistent message – no additional cuts. The committee made no further cuts to our budget. Thanks again to those who assisted.

Under the coordination of our new Legislative Liaison, Nancy Rottier, we will be formalizing the grassroots approach initiated by Sheryl Gervasi. If you know a legislator well enough to get past his or her staff, have his or her cell phone number, or are able to call him or her at home, please talk to Nancy.

The primary topics we will address in the coming year are obvious – budget cuts and compensation.

I know compensation equity is an important concern for the judiciary. In response I have asked the Office of Management Services to complete a detailed study of judicial

compensation. The study will compare Wisconsin judicial salaries to salaries of state's attorneys as well to judicial salaries in other states and the federal judiciary. I intend to use this study to present to the Office of State Employment Relations and the Joint Committee on Employment Relations at the appropriate time to be sure you are equitably compensated for the essential function that you do for the State of Wisconsin.

I expect in this environment of local tax freezes and state budget deficits, the debate on the level and source of court financing will intensify. On October 9, the *Milwaukee Journal Sentinel* ran an editorial with the headline "Underfunding the courts." The theme of the editorial is summarized by the last sentence that said, "It's long past time for the state to ante up."

The debate concerning state or local funding for the court system is not new but I believe the self-imposed property tax freeze many counties are considering will compel them to highlight what they see as underfunded state mandates. The court system will not escape this discussion as the *Journal Sentinel* editorial demonstrates. In my communication with legislators, I have advised them that this issue will be on their desks soon. I have provided them with an analysis that shows that the state is picking up roughly 50% of court costs statewide and asked that we be involved in the funding discussion when it occurs.

To prepare ourselves for the discussion, the Planning and Policy Advisory Committee established the Subcommittee on Court Financing. Chaired by the Honorable Michael Rosborough, the subcommittee is charged with sorting through the issues associated with the funding and delivery of court services in an effort to identify a stable, responsible, and effective funding mechanism. I expect that this report will greatly assist in framing the financing issue with legislators and county government officials. At the last meeting I asked the committee to consider the following question when determining their recommended financing mechanism: What funding arrangement has the most potential to provide the efficient delivery of a minimum level of core court services in each circuit? I tend to agree with former Chief Justice Heffernan's stance communicated to the 1991 Legislative Council Special Committee on Trial Court System Funding in which he noted that the judiciary is more concerned with the adequacy of the funding than the source.

Please keep the Office of Court Operations informed of local funding difficulties. It is important that we understand the magnitude of the problems as we continue this discussion.

I expect the environment will require us to consider changes in the court process. Chief Justice Abrahamson eloquently described the environment within which the Wisconsin court system is operating. I agree that it will take an uncommon portion of fortitude to maintain the highly regarded system of justice you have all contributed to building. As President Kennedy said, "We would like to live as we once lived, but history will not permit it." Let me touch on two areas that illustrate how the environment

has changed and what a changing environment means to the judicial branch of government.

We have been fortunate over the years that additional judgeships were created based on the need documented by the judicial weighted caseload. As budgets have gotten tighter at the state level, the persuasiveness of our objective workload tool has diminished. We continue to work to maintain the relevance of the methodology through the Chief Judge's Subcommittee on Workload. However, 2002 weighted caseload figures show that 14 counties have a 1.40 or greater per judge workload, and the likelihood the legislature will create the needed judgeships is slim to none. Considering the environment, I put forward the idea we consider identifying changes in the law or our process that would reduce the workload but not sacrifice the quality of decision making. For example, would your calendar look different if first offense operating after revocation was not a criminal offense?

We have been fortunate over the years to have a sufficient supply of both official and freelance court reporters. The reduced number of court reporters completing courses, competition for court reporters in the closed captioning field, and our diminishing use of freelance court reporters has combined to create an environment in which some districts are scrambling to fill vacancies in court reporter positions. PPAC researched this issue, administrative changes have been implemented, and the Chief Judges' Subcommittee on Making of the Record is currently considering options on how the court record will be made and preserved in the future. As we move forward, judges, court administrators, and court reporters who are doing a great job of taking the record will have to work together to solve our problems.

Chief Justice Abrahamson mentioned two other issues – the increasing number of self-represented litigants and the number of litigants that do not speak English. We will continue to build upon our efforts in these areas.

I expect technology will improve service both internally and externally. The Consolidated Court Automation Programs (CCAP) continues to be a model for implementing a statewide automation system. I was reminded of the value of CCAP at a recent Clerks of Circuit Court Conference at which a vendor suggested his company would be interested in taking over some of CCAP's functions. The response by the Clerks of Court was to interrupt the presentation and ask the individual to leave. This illustrates the confidence the Clerks of Court have in the CCAP system to run their offices effectively and efficiently. The success of this program has allowed us to create the WCCA website which many businesses and other governmental entities also depend on for access to critical circuit court information. The site currently receives as many as 1.3 million hits a day.

Unfortunately, the court system's website is not as helpful. A general complaint is that the site is not always intuitive for the public when searching for specific court related information. By early 2004 expect to see a new look, a new organization, and a more effective and useful site.

The redesign effort will also improve our internal CourtNet site. As CCAP resources become available in the coming years, I expect we will take the next step in making the CourtNet site more helpful. Ultimately these technical advancements will allow you to submit items such as travel vouchers electronically, reducing time and paper required.

By 2005 I expect that we will be in a position to offer distance-learning opportunities for judges. These programs would supplement the current judicial education offerings. In the interim, we will be pursuing a pilot program in the coming year to offer distance education opportunities to director of state courts office staff, including district court administrators.

Finally in the technology area, we have taken action in response to your requests that CCAP develop an application that would assist judges consider the factors involved in sentencing someone under truth in sentencing. The project we affectionately refer to as the "TIS calculator" is currently under development with initial testing underway. I would like to thank Judge Pat Fiedler who has provided valuable guidance in the development of this application. Barring any major glitches I expect you will be using this tool on the bench by next summer.

Let me conclude by thanking all of you. Thanks for welcoming me. Thanks for covering calendars in light of the reduced availability of reserve judges. Thanks for making your court reporters available to be used in other branches. Thanks for the countless sacrifices you have made for the court system. Since 2001, cost saving measures in the Wisconsin Court System have saved taxpayers \$11 million. We are doing our part during the fiscal crisis.

I realize that accomplishing these savings has come with a price. I realize that in parts of this state the justice system is tremendously strained. The financial situation is not going to improve overnight, in fact it will most likely not improve in the next two years, but it will improve. As I see it, my duty is to work as hard as I can to make certain that when the financial situation improves, the Wisconsin Court System is still providing fair and timely justice for the citizens of the state.

I know you wouldn't expect anything less.